

Appl No. : 10/055,875
 Filed : January 21, 2002

REMARKS

Applicant respectfully requests the Examiner to consider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-13, 15-19, 21-42, 51-70, 72-76 and 83-88 remain pending, of which Claims 51-61 and 83-88 have been withdrawn from consideration. Claims 14, 20, 43-50, 71, 77-82 and 89-94 have been cancelled without prejudice or disclaimer, and Claims 1, 10-12, 15-19, 27, 37-38, 62, 70 and 72-76 have been amended.

Summary of Telephonic Interview

The undersigned Attorney thanks Examiner Roy Punnoose for the courteous telephonic interview of October 30, 2003. At the interview, the Examiner stated that Claim 37 was allowable as filed, and that Claims 1 and 62 would be allowable if amended in the manner presented herein. The Examiner and Applicant's Attorney confirmed the previous oral restriction of Claims 51-61 and 83-88, and the election without traverse of the balance of the claims in the application. No specific prior art was discussed.

Claim Amendments

Independent Claims 1 and 62 have been amended in the manner discussed at the interview of October 30. Claims 10-12 have been amended to clarify the claims by obviating any problems of antecedent basis for the (now-deleted) term "near-patient test system." Claims 27 and 38 have been amended to clarify the Markush groups recited therein and employ the prescribed form for claims of this type. Claim 37 has been amended to correct a minor typographical error in the first line of the claim. Claim 70 has been amended to clarify the claim by obviating any problems of antecedent basis for the (now-deleted) term "slicing step."

Conclusion

Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby.

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If any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Nov. 5, 2003

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